

XII. LOCAL EDUCATION AGENCY ELIGIBILITY

It is the policy of the State of Iowa that final approval relating to any Part B IDEA plan or application submitted by a public agency is granted by the Iowa Department of Education. Prior to the submission of such a plan or application for final action, the plan or application is reviewed by the Department of Education. During this review process the applicant agency is offered an opportunity to resolve any problems associated with the agency's proposal. Technical assistance is available to applicant agencies during all phases of plan/application development, so that plans or applications comply with all legal requirements.

The applicant agency shall be notified in the event that the Department of Education intends to recommend disapproval of the plan/application. If the applicant agency wishes to dispute the Department of Education's recommendation, the agency may request a hearing of the action in question.

The following are the procedures of the Iowa Department of Education in providing for a hearing in the event an application would be recommended for disapproval:

1. The applicant shall request the hearing within 30 days of the action of the State Education Agency (SEA).
2. Within 30 days after it receives a request, the SEA shall hold a hearing on the record and shall review its action.
3. No later than 10 days after the hearing, the SEA shall issue its written ruling, including findings of fact and reasons for the ruling.
4. If the SEA determines that its action was contrary to State or Federal statutes or regulations that govern the applicable program, the agency shall rescind its action.
5. If the SEA does not rescind its final action after a review, the applicant may appeal to the Secretary of Education, U.S. Department of Education as provided under 34 CFR section 76.401(d). The applicant shall file a notice of the appeal with the Secretary within 20 days after the applicant has been notified by the SEA of the results of the agency's review. If supported by substantial evidence, findings of fact of the SEA are final.
6. The State of Iowa shall make available at reasonable times and places to each applicant all records of the agency pertaining to any review or appeal this applicant is conducting under this section including records of other applicants.

When it has been determined that an agency's proposed plan/application meets all relevant state and Federal statutes, rules, and regulations, the Department of Education grants approval for the plan/application to be funded.

As a condition of initial and continued eligibility, agencies shall comply with Department standards and guidance on the appropriate and permissible uses of federal, state, and local special education funds.